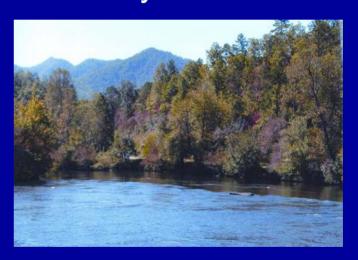


# NC Board of Transportation Environmental Planning and Policy Committee



Presentation by Bill Gilmore, EEP Director May 5, 2004







# **Outline**

- Program Principles
- High Quality Preservation
- The Biennial Budget







# The Ecosystem Enhancement Program (EEP) combines:

- DENR's existing wetlands restoration program
- NCDOT's mitigation program

to offset transportation project impacts through advance mitigation







# EEP's Strategy

- Programmatic mitigation based on anticipated future-year impacts
- Watershed-level mitigation to replace lost or degraded functions
- Accelerate mitigation to be functional prior to impacts







# **EEP's Foundation**

# an interagency partnership



Merger 01 Workshop

NCDOT NCDCM NCDWQ NCWRC NCMF USACE USEPA USFWS FHWA



**Mitigation Workshop** 







U.S. Army Corps of Engineers Wilmington District



# Fundamentals of EEP

- Regulatory Agencies' needs
  - watershed planning basis
  - functional replacement system
  - pro-active mitigation
  - single process for mitigation
  - independent agency program







Wilmington District

# Fundamentals of EEP (cont.)

# Regulatory Agencies Agreed to:

- 2-Year Transition period
- Use of High Quality Preservation for mitigation
  a major concession
- Allowing permitting to proceed based on <u>Preservation</u> alone during Transition – <u>another major concession</u> provided 1:1 restoration is provided at the end of the transition
- Assisting DOT with a means use alternative mitigation methods (e.g., BMP's)







# Fundamentals of EEP (cont.)

# Regulatory Agencies Agreed to:

- Allowing <u>Preservation</u> to be provided by large Eco-Regions instead of smaller Cataloging Units another major concession
- Allowing EEP staff to focus efforts on securing <u>Restoration</u> while implementing a <u>Preservation</u> program







# The Department of Transportation

- Set into motion an unparalleled <u>national model</u> for compensatory mitigation
- Set the stage for addressing mitigation proactively, to avoid delaying transportation projects
- Re-confirmed its commitment to environmental stewardship







# **High Quality Preservation**



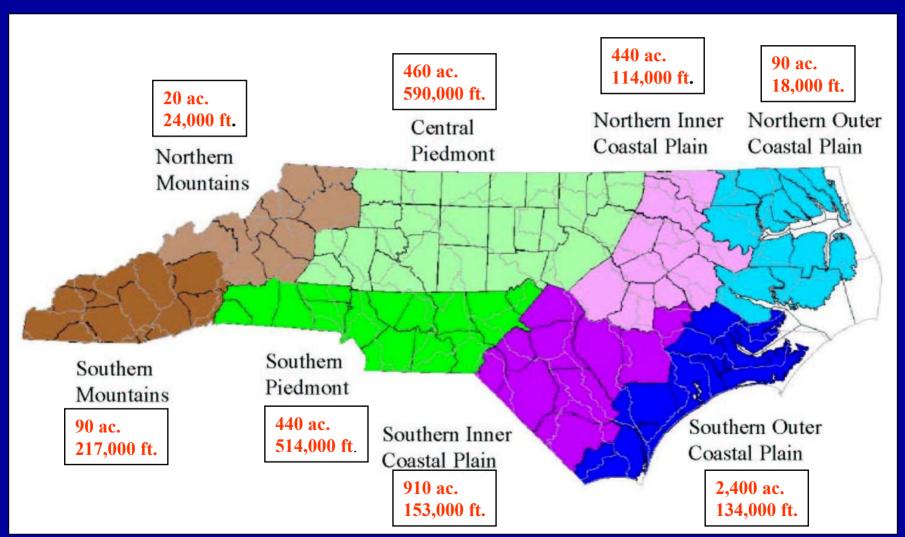








### **Transition 10:1 Preservation Needs**

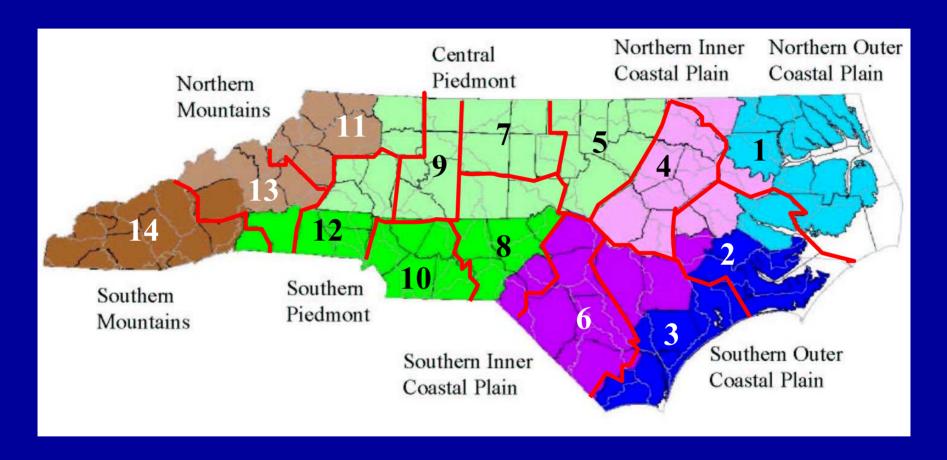








# **Eco-Region and Highway Division Boundaries**









# **High Quality Preservation**

- Jump starts the EEP program before Restoration becomes available
- Protects the natural system investment
- Provides recyclable mitigation to meet future needs
- Creates reservoirs of mitigation for future TIP projects
- Will be used to offset Nationwide permits







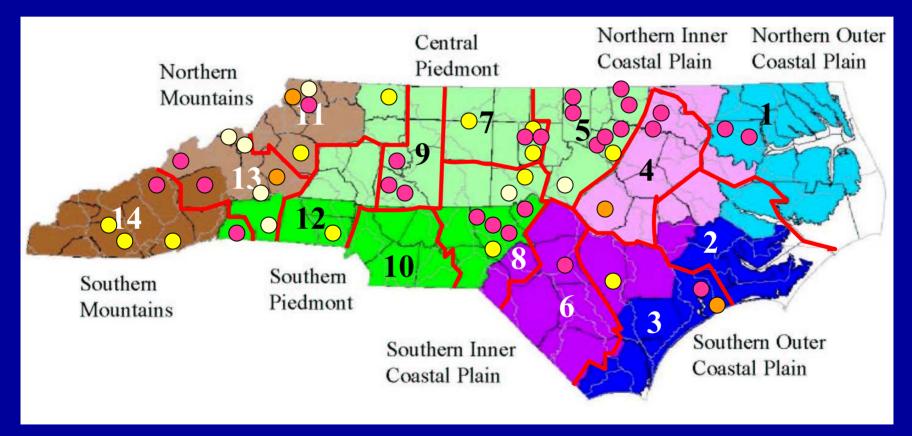
**Wilmington District** 

**Preservation Acquired** 

Option Under Negotiation

**Option Obtained** 

Site Identified













# Preservation accomplishments...



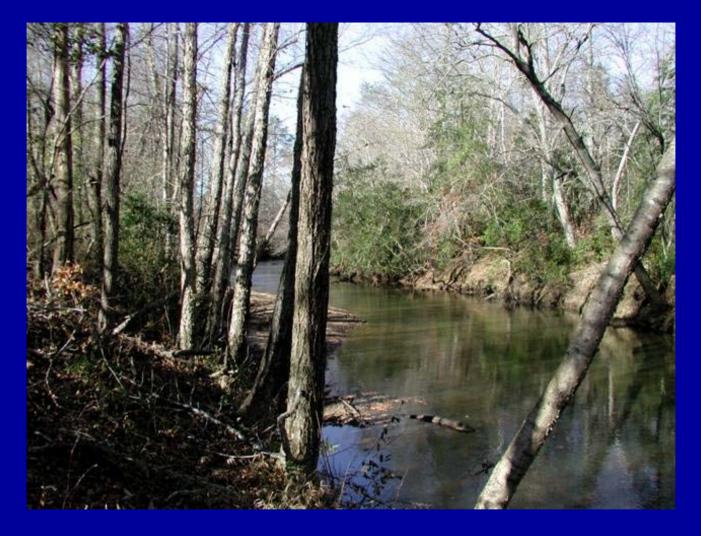
Great Coharie Swamp Southern Inner Coastal Plain Sampson 155,000 ft. of streams & 4,000 ac. of riverine wetlands (Sampson)











Allen Tract Central Piedmont Franklin 16,000 ft. of streams & 26 ac. of riverine wetlands













Mingo Tract Northern Mountains Caldwell and Wilkes 73,000 ft. of streams











Rankin Tract Southern Piedmont Gaston 18,000 ft. of streams









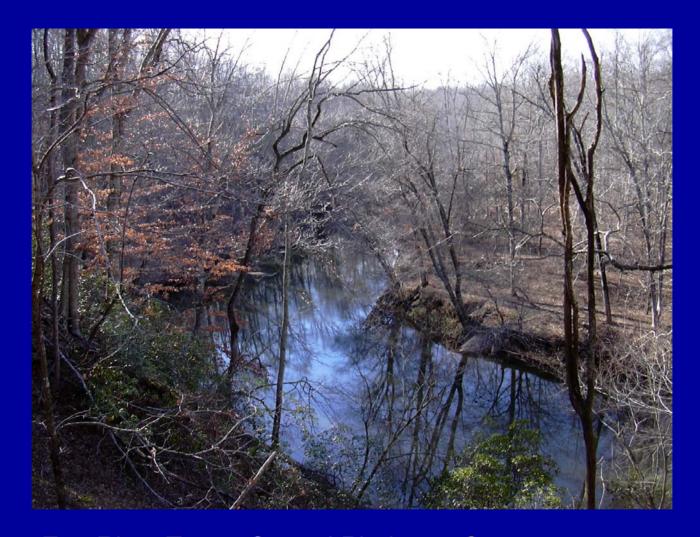


Haw River Tract Central Piedmont Chatham 32,000 ft. of streams









Eno River Tracts Central Piedmont Orange 26,000 ft. of streams

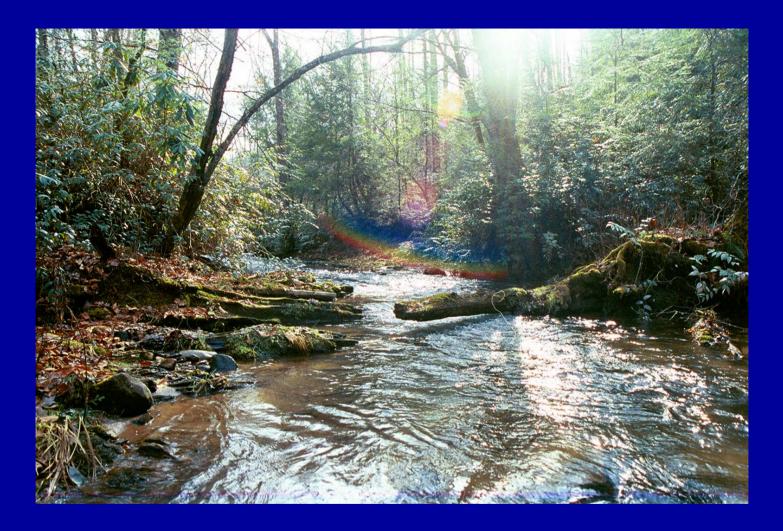












Needmore Tract Southern Mountains Macon and Swain 96,500 ft. of streams











### Added Benefits of Preservation

- Protects investments in Restoration
- Increases open space
- Improves quality of life
- Protects high-quality or rare natural communities
- Protects water supplies
- Protect rare species
- Promotes positive feelings towards NCDOT







**Wilmington District** 

# The Biennial Budget











### 3-Party MOA DOT/DENR/USACE July 2003



MEMORANDUM OF AGREEMENT

AMONG THE

NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

THE UNITED STATES ARMY CORPS OF ENGINEERS, WILMINGTON DISTRICT

This Memorandum of Agreement (MOA) is entered into by the North Carolina Department of Environment and Natural Resources (hereinafter "NCDENR"), the North Carolina Department of Transportation (hereinafter "NCDOT"), and the United States Army Corps of Engineers, Wilmington District (hereinafter "USACE"), to establish the procedures for providing compensatory mitigation through the NCDENR Ecosystem Enhancement Program (EEP) to offset impacts to waters and wetlands due to activities authorized by Clean Water Act permits.

A. This MOA is an extension of the concept and agreements in principle of the Memorandum of Understanding among the NCDENR, NCDOT, and USACE, dated June 12, 2002. The purpose of this MOA is to establish the procedures and guidelines for coordination between the USACE and NCDENR, acting through the EEP, concerning compensatory mitigation requirements for permits authorized under Section 404 of the Clean Water Act, 33 USCA § 1344 and Section 10 of the Rivers and Harbors Act, 33 USCA § 403. Compensatory mitigation is defined as the restoration, enhancement, creation, and/or preservation of wetlands or other waters of the United States needed to offset the unavoidable loss or degradation of waters of the United States due to activities authorized by Clean Water Act permits. The terms restoration, enhancement, creation, and preservation as used in this MOA shall be defined in



### 2-Party MOA DOT/DENR **April 2004**



MEMORANDUM OF AGREEMENT

BETWEEN THE

NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

This Memorandum of Agreement (MOA) is made and entered into on the date herein below last written by and between the NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (hereinafter "NCDENR") and the NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (hereinafter "NCDOT") collectively referred to hereinafter as the "Parties." to establish the procedures for providing satory mitigation through the NCDENR Ecosystem Enhancement Program (hereinafter "DENR-EEP") to offset impacts to waters and wetlands due to activities authorized by Sections 401 and 404 of the Clean Water Act, 33 USC §§1341, 1344, and under Section 10 of the Rivers and Harbors Act, 33 USC 6403 (hereinafter "federal permits"), and by certain certifications, authorizations or permits issued under the North Carolina water quality statutes: the North Carolina Coastal Area Management Act and the North Carolina Dredge and Fill Law and associated rules

1.1 Implementation of "Tri-Party MOA" -- This MOA is an extension of the concepts and agreements embodied in the Tri-Party Memorandum of Agreement (hereinafter the 'Tri-Party MOA") among NCDENR, NCDOT and the United States Army Corps of Engineers, Wilmington District, executed on July 22, 2003. The purpose of the Tri-Party MOA was to establish the formation of the DENR-EEP and define its role and authority. The purpose of this MOA is to define the duties and obligations of the Parties necessary to make effective the purpose and intent

#### **Business Document**











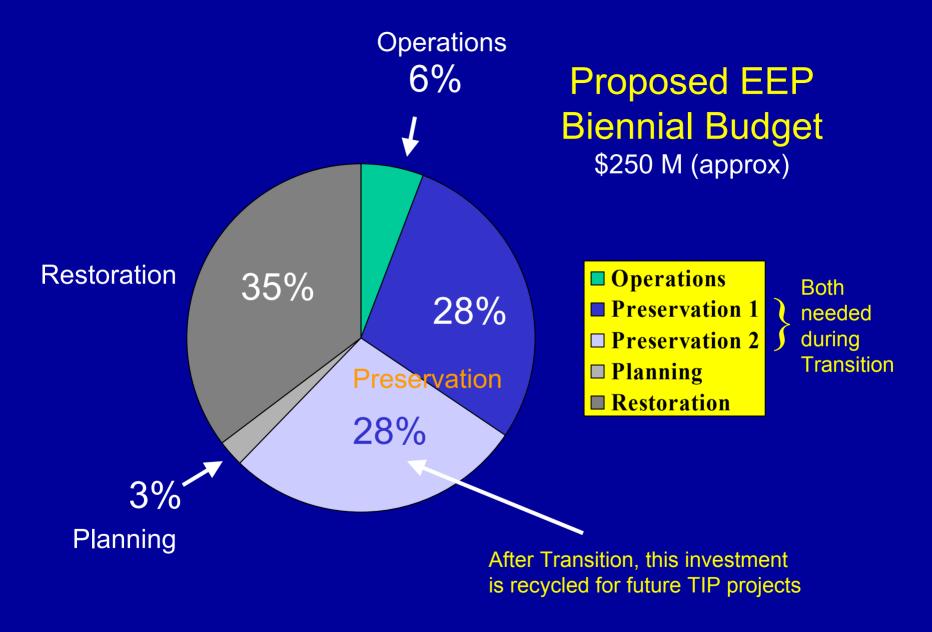
# 2-Party MOA

- Sets procedures for business management
  - Accounting
  - Invoicing
  - Progress Reports
- Requires Biennial Budget to be approved by the Department of Transportation
  - Introduce EEP as TIP addition, June 2004
  - Board action, July 2004
- Specifies Quarterly Invoice Procedures











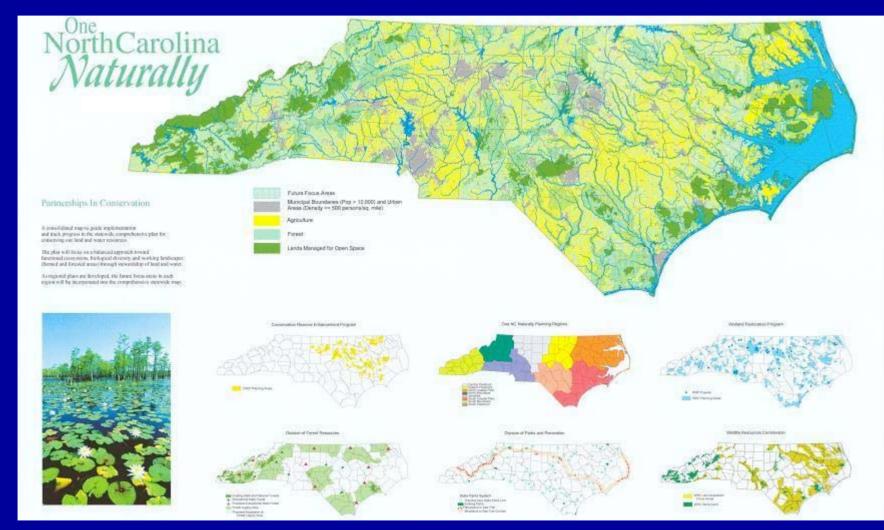




of Engineers



# EEP Supports Good Transportation, the Economy, and Provides Beneficial Natural Systems Return to the Environment









# Questions?





























### **Unused Slides follow**



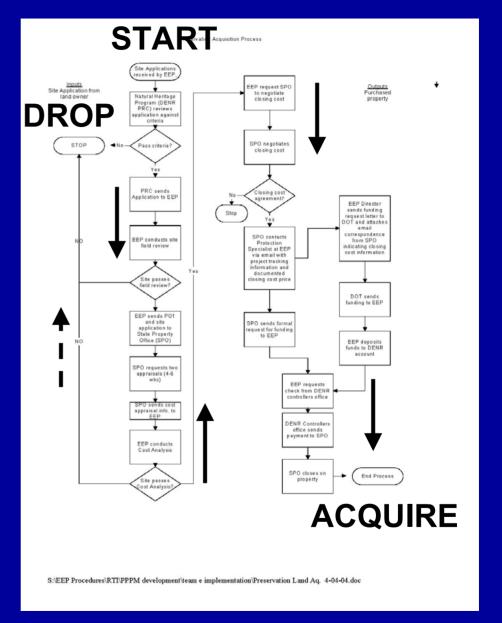








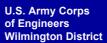
# Preservation Acquisition Process Chart



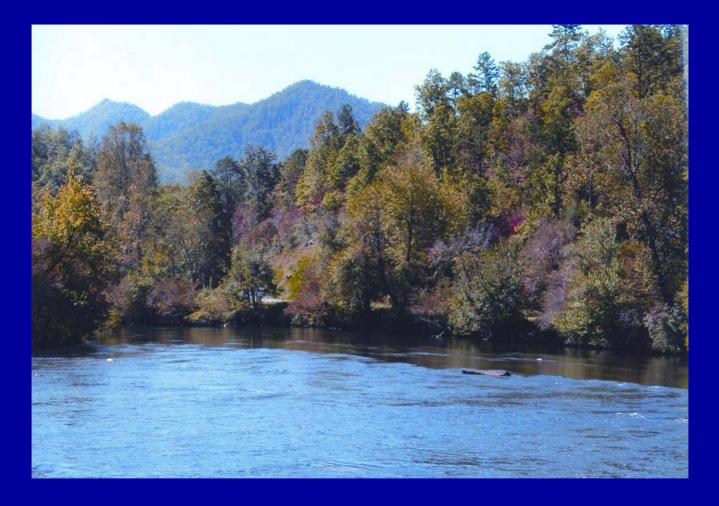










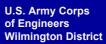


**Needmore Tract Southern Mountains** 





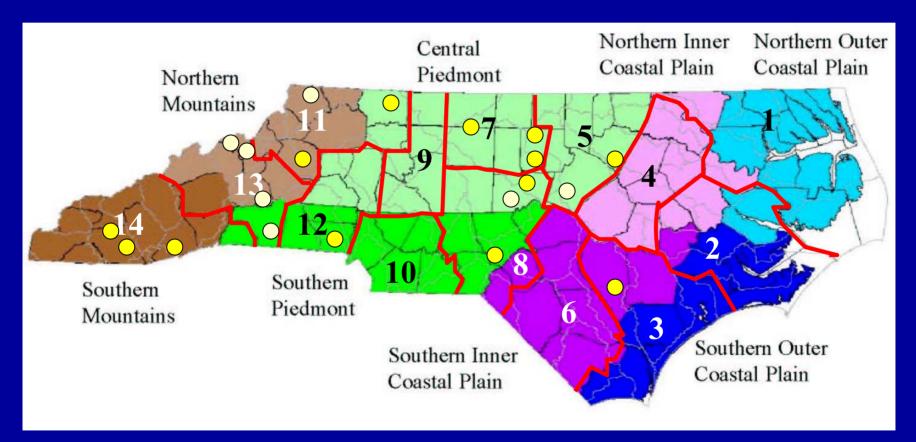






**Preservation Acquired** 

**Option Obtained** 



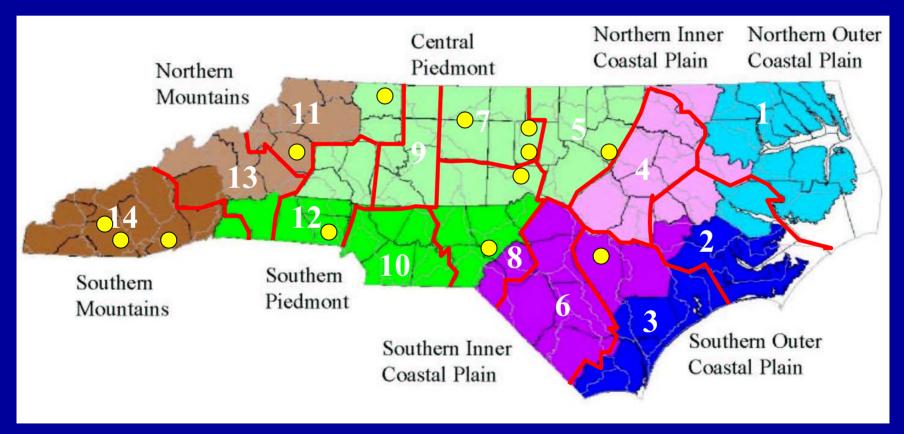








**Preservation Acquired** 







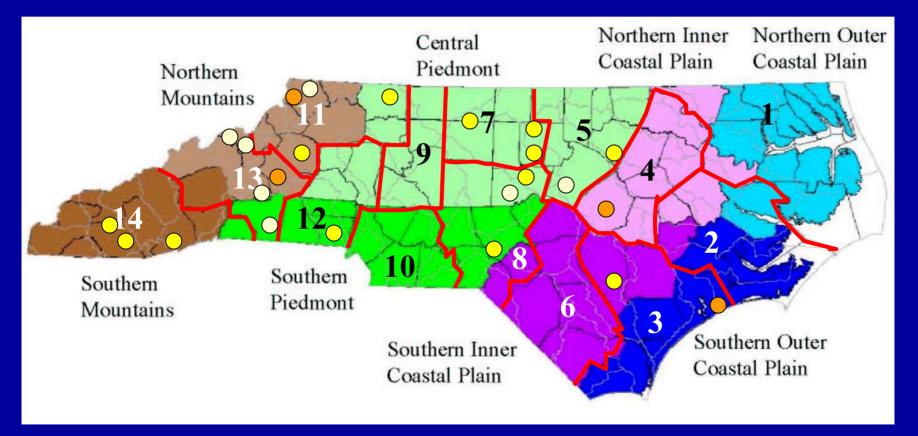




**Preservation Acquired** 

**Option Under Negotiation** 

**Option Obtained** 









# **Eco-Regions and Highway Divisions**

**Eco-Region** 

Division	NOCP	SOCP	NICP	SICP	CP	SP	NM	SM
1	√		√					
2	√	√	√	√				
3		√		√				
4			√					
5					√			
6				√				
7					<b>√</b>			
8				√	<b>√</b>	<b>√</b>		
9					<b>√</b>			
10						<b>√</b>		
11							<b>√</b>	
12					<b>√</b>	√		
13						√	√	<b>V</b>
14						<b>√</b>		<b>√</b>





